REMARKS

Claims 1-20 remain pending in the instant application. All claims presently stand rejected. Claims 1, 9, and 16 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Specification

The Examiner is thanked for bringing to Applicants' attention the inadvertent typographical error in the specification. Accordingly, Applicants have corrected the specification to cure this error. The corrections are believed to introduce no new matter. Please see the SPECIFICATION AMENDMENTS section for a recitation of the amendments.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 3-5, 8-9, 11-13, 15-17, and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dickerson et al. (US Patent Application 2003/0212897). Applicants respectfully traverse the rejections.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 recites, in pertinent part, "wherein the kernel proxy agent is a **software** agent executing **on** the processor." The Examiner cites Dickerson's support logic 46 as corresponding to Applicants' claimed kernel proxy agent. However, support logic 46 comprises **hardware, externally coupled** to microprocessor core 40. Thus, Dickerson simply fails to disclose a **software** kernel proxy agent executing **on** a processor.

Claim 1 is also novel for a second, independent reason. Independent claim 1 further recites, in pertinent part "an emulated pre-boot environment executing within a user mode of a processor of a processing system **during an operating system ("OS") runtime** of the processing system."

Applicants respectfully submit that Dickerson fails to disclose executing an emulated pre-boot environment during an OS runtime. Without citing support, the Examiner states: "'user mode' and 'supervisor mode' . . . are provided by OS to processor. Thus, the firmware testing is in OS runtime of the processing system of Fig 1B." *Office Action* mailed June 5, 2006, page 3. Applicants respectfully disagree. In fact, Applicants are unable to find any disclosure of an operating system in Dickerson at all. Rather, Dickerson suggests otherwise by disclosing a stand-alone semiconductor device that utilizes two modes: a user mode and a supervisor mode. *Dickerson,* paragraph [0005].

Applicants submit that the user mode disclosed in Dickerson is generated and operates solely within semiconductor device 20. To be sure, Dickerson states: "when a user issues a command, thereby directing the microprocessor core 62 to enter a supervisor mode." *Dickerson*, paragraph [0041]. Therefore, Dickerson discloses that the microprocessor core 62 within semiconductor device 20 generates the modes. Thus, Dickerson simply fails to disclose that the modes are provided by an OS to the processor. In contrast, Applicants claim an emulated pre-boot environment executing within a user mode of a processor of a processing system **during an operating system ("OS") runtime** of the processing system.

Consequently, Dickerson fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Amended independent claims 9 and 16 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 9, and 16 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 2, 7, 10, and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dickerson et al. (US Patent Application 2003/0212897). Claims 6, 14, and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dickerson in view of McKenna et al. (US Patent Application 2001/0018721. Applicants respectfully traverse the rejections.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be

considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

For the reasons discussed above in connection with independent claim 1, Dickerson fails to disclose, teach, or suggest a **software** kernel proxy agent executing **on** a processor. Furthermore, McKenna also fails to disclose, teach, or suggest this element. Since the Examiner relies on Dickerson as teaching the claim limitations of claim 1, dependent claims 2-8, 10-15, and 17-20 are novel and nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 and § 103 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

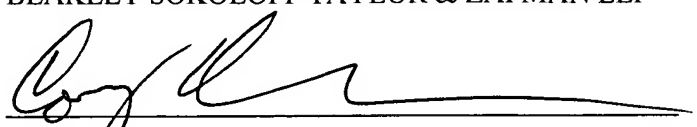
CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: July 14, 2006



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